

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HUMPHREYS & PARTNERS ARCHITECTS,
L.P.,

Plaintiff,

vs.

INVEST OMAHA II, LLC,

Defendant.

4:20-CV-3039

ORDER

This matter is before the Court on Defendant's Unopposed Motion to Vacate Clerk's Entry of Default. [Filing 11](#). In support of its motion, Defendant notes that Plaintiff filed its Complaint ([Filing 1](#)) on April 6, 2020, and served Defendant on April 16, 2020. ([Filing 8](#)). Defendant's response was due on May 7, 2020, but due to miscommunications within the defendant company and between the company and its attorneys, Defendant missed that deadline. [Filing 11 at 1](#). Defendant states the miscommunication was because there is a similar case already pending in this District. [Filing 11 at 1](#). As a result of the missed deadline, Plaintiff moved for the Clerk of Court to enter default against Defendant on May 15, 2020, ([Filing 9](#)), and the Clerk of Court entered default that same day. [Filing 10](#). Defendant now asks this Court to vacate the Clerk of Court's entry of default because of Defendant's "internal miscommunication." [Filing 11 at 1](#). Plaintiff does not oppose Defendant's motion.

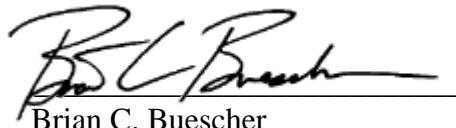
"The court may set aside an entry of default for good cause." [Fed. R. Civ. P. 55\(c\)](#). The Court finds good cause exists to set aside the entry of default.

IT IS THEREFORE ORDERED:

1. Defendant's Unopposed Motion to Vacate Clerk's Entry of Default ([Filing 11](#)) is granted;
2. The Clerk's Entry of Default ([Filing 10](#)) is hereby set aside; and
3. Defendant shall respond to the Complaint on or before June 8, 2020.

Dated this 1st day of June, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", is written over a horizontal line.

Brian C. Buescher
United States District Judge